

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MELISSA S.,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00620

MARTIN J. O'MALLEY,
Commissioner of Social Security,

Defendant.

ORDER

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On May 14, 2024, Judge Eifert submitted her Proposed Findings & Recommendations (“PF&R”), [ECF No. 9], and recommended that the court (1) **DENY** Plaintiff’s request for judgment on the pleadings, [ECF No. 6]; (2) **GRANT** Defendant’s request to affirm the Commissioner’s decision, [ECF No. 7]; (3) **AFFIRM** the decision of the Commissioner; and (4) **DISMISS** this action and **REMOVE** it from the docket of the court. Neither party timely filed objections to the PF&R or sought an extension of time to do so.

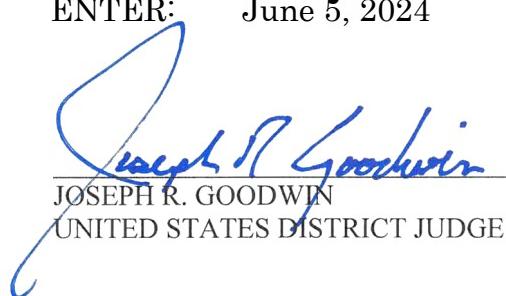
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the Magistrate Judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court hereby (1) **DENIES** Plaintiff's request for judgment on the pleadings, [ECF No. 6]; (2) **GRANTS** Defendant's request to affirm the Commissioner's decision, [ECF No. 7]; (3) **AFFIRMS** the decision of the Commissioner; and (4) **ORDERS** that this action be **dismissed and removed** from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 5, 2024


JOSEPH R. GOODWIN

UNITED STATES DISTRICT JUDGE